

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:07cv300

GARY FITZER, pro se,)
Plaintiff,)
v.)
SALAD CREATIONS OF AMERICA,)
INC., LETT-US FRANCHISE)
INTERNATIONAL, LLC, JEFF LEVINE,)
ROBERT SPUCK, MARSHALL OWENS,)
DAVID GLOWATZKE)
Defendants.)

)

ORDER

On July 30, 2007, Defendants filed a Notice of Removal with this Court, stating that the Pro Se Plaintiff mailed to them what appeared to be a copy of a Complaint filed in Superior Court of North Carolina 26th District, Mecklenburg County. Defendants, however, were unable to confirm with the State Court that such a Complaint was actually filed. Defendants therefore, “[o]ut of an abundance of caution, and to ensure that Defendants timely remove[] this action” (Doc. No. 1), filed their Notice of Removal and subsequently filed a Motion to Dismiss.

However, it was later determined that no Complaint has been filed in this case. It has been made known to the Court that the parties are in agreement on this issue.

THE CLERK OF COURT IS, THEREFORE, ORDERED to close the file in this case.

SO ORDERED.

Signed: August 30, 2007

Robert J. Conrad Jr.

Robert J. Conrad, Jr.
Chief United States District Judge

